

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE)	PDC CASE NO: 03-147
WITH RCW 42.17)	
)	Report of Investigation
MARILOU RICKERT)	
)	
Respondent)	
<hr/>		

I.

BACKGROUND

- 1.1 Tim Sheldon served as State Representative for the 35th Legislative District from 1991 until 1997 when he ran for the position of State Senator for the same district and won. Senator Sheldon was reelected to that position in 1998.
- 1.2 On April 24, 2002, Senator Sheldon filed Public Disclosure Commission (PDC) Form C-1 declaring his candidacy for reelection for State Senator in the 35th Legislative District in 2002.
- 1.3 On June 10, 2002, Marilou Rickert filed PDC Form C-1 declaring her candidacy for State Senator for the 35th Legislative District in the 2002 election. Ms. Rickert was defeated in that election by Senator Sheldon.

II.

SCOPE

- 2.1 Staff reviewed Senator Sheldon's complaint to the PDC received December 2, 2002.

- 2.2 Staff reviewed a written response to the complaint from Marilou Rickert received December 26, 2002.
- 2.3 On March 7, 2003, PDC staff conducted a telephone interview with Ken Brown, Fiscal and Contracts Manager for the Juvenile Rehabilitation Administration, (JRA) a division of the Department of Social and Health Services (DSHS).
- 2.4 On March 10, 2003, PDC staff conducted a telephone interview with Marilou Rickert.
- 2.5 On March 11, 2003, PDC staff conducted a telephone interview with Senator Tim Sheldon.

III.

RELEVANT AREAS OF LAW

- 3.1 **RCW 42.17.530** states in part the following:
 - (1) It is a violation of this chapter for a person to sponsor with actual malice:
 - (a) Political advertising that contains a false statement of material fact about a candidate for public office.
 - (2) Any violation of this section shall be proven by clear and convincing evidence.
- 3.2 **RCW 42.17.505** states the following:
 - (1) "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity."

IV.

FINDINGS

- 4.1 On April 24, 2002, Senator Tim Sheldon filed PDC Form C-1 declaring his candidacy for reelection for the position of State Senator for the 35th Legislative District in 2002.
- 4.2 On June 10, 2002, Marilou Rickert filed PDC Form C-1 declaring her candidacy for the position of State Senator for the 35th Legislative District in the 2002 election. Ms. Rickert was defeated in that election by Senator Sheldon.
- 4.3 Marilou Rickert sponsored a political advertisement that was mailed to voters in the 35th Legislative District. The first mailing, sent to 16,536 registered voters on October 16, 2002 cost \$3,843. The second mailing sent to 17,496 registered voters on October 28, 2002 cost \$4,096.
- 4.4 One page of the advertisement sent by Ms. Rickert was a document titled, "There Is a Difference!" The document listed two columns comparing Ms. Rickert and Senator Sheldon on seven issues. The fifth comparison states Ms. Rickert *"Supports social services for the most vulnerable of the state's citizens."* The comparison states Tim Sheldon *"Supported revenue measures that have forced reductions in services to the mentally ill, developmentally challenged, and their families; voted to close a facility for the developmentally challenged in his district and is advocating for the site to be turned into a prison."* **(Exhibit #1)**
- 4.5 On December 2, 2002, Senator Tim Sheldon filed a complaint with the PDC against Marilou Rickert alleging that Ms. Rickert sponsored political advertising that contained a false statement of material fact about him. **(Exhibit #2)**
- 4.6 Senator Sheldon stated in his complaint to the PDC, "Ms. Rickert wrote, paid for and distributed the enclosed last-minute mailer. This mail piece contains a false statement of material fact designed to mislead the voters...The statement '...voted to close a facility for the developmentally challenged in his district...' is false. Closure of Mission Creek Youth Camp, a prison facility for juvenile offenders in Belfair, was mandated in SB 6387, passed by the legislature in 2002. SB 6387 was considered twice by the Senate, I voted No on both occasions... Ms. Rickert and her campaign used this misrepresentation of material fact in an organized

attempt to mislead the voters into believing that I voted to close Mission Creek when in fact I voted against its closure.”

- 4.7 David Griffith, Program Administrator for Department of Social and Health Services, Juvenile Rehabilitation Administration, sent a letter dated January 9, 2002 to Judith Jones, a staff member with Senator Sheldon’s office. **(Exhibit #3)** The letter described the reasons for the closure of Mission Creek Youth Camp (MCYC) in the context of the state budget proposed by Governor Locke and the institution programs of JRA. The reasons for the proposed closure were:

- The number of juveniles receiving sentences was decreasing resulting in more beds than youths.
- The small size of MCYC created a higher administrative overhead cost per bed.
- Enabled JRA to reduce costs and contribute to needed state budget reductions.
- Moving appropriate youth into other facilities placed them in settings where they can work and go to school in the community.
- Youth moved to community facilities would qualify for federal funding making state resources available for other programs.
- Youth from MCYC would be paroled or transferred to a comparable facility or a community facility.
- Most MCYC staff would find comparable jobs within JRA.

- 4.8 The 2001-03 Revised Omnibus Operating Budget (2002 Supp), DSHS, Juvenile Rehabilitation, dated March 4, 2002, reports the budget effect of the closure of MCYC. **(Exhibit #4)** The comments section of the report states:

“Mission Creek Youth Camp will be closed by July 2002 and the institution will be mothballed for future use. This closure will reduce Juvenile Rehabilitation Administration’s (JRA) bed capacity by 60 beds. The closure will result in the relocation of these youth to other institutions. The juvenile offender basic training camp staging area will be relocated to an existing institution and will leave JRA with one remaining youth camp.”

- 4.9 A Final Bill Report, ESSB 6387, reports Senate votes on final passage effective April 5, 2002, of 26 yeas and 22 nays. **(Exhibit #5)** The Atlas Online: Roll Calls on a Bill, reporting the votes on ESSB 6387, **(Exhibit #6)** shows Senator Sheldon voting as follows:

<u>Description</u>	<u>Date</u>	<u>Senator Sheldon's vote</u>
3 rd reading & final passage	3/9/02	Nay
Concur in House Amendments	3/14/02	Nay
Final Passage as amended by the house	3/14/02	Nay

- 4.10 An article published in the Bremerton Sun Newspaper on May 24, 2002, described the closure of MCYC that was occurring on that date. **(Exhibit #7)** The article stated in part:

“The Legislature voted to close the 41-year-old facility when it passed the state budget in March. After more than four decades as a treatment center for male juvenile offenders, Mission Creek Youth Camp will officially say goodbye to its last residents today...State Sen. Tim Sheldon of Potlatch was the only Democrat to vote against the budget proposal, in part because of the proposed Mission Creek closure, he said.”

- 4.11 Marilou Rickert responded to the complaint in a letter to the PDC dated December 23, 2002. **(Exhibit #8)** Ms. Rickert stated in part:

“With regard to the statement in question, I dispute Senator Sheldon’s allegation that any error I may have made was ‘material.’ In addition, insofar as I may have erred, I erred without malice, ie. I neither knew any statement I made was false, nor did I recklessly disregard the truth or falsity of any statement I made.

All of the statements I made about Senator Sheldon were sourced, mostly from the print media. Other sources included PDC records, records of the Washington state legislature, and statements made by Senator Sheldon himself at candidates forums that we both attended.

...The source of the disputed statement was Dave Wood, a lobbyist for Action for RHCs (Residential Habilitation Centers), an advocacy group for services for the profoundly and severely developmentally disabled. I met with Mr. Wood late in June of this year, and discussed Senator Sheldon’s record with regard to services for the developmentally disabled briefly on several occasions thereafter.

...reasonable minds might disagree as to whether representing Senator Sheldon's dooming Mission Creek by his failure to negotiate on his party's operating budget constituted a vote 'to close [the] facility.' Clearly I was in error in describing Mission Creek as 'a facility for the developmentally challenged.' I am unable to find a definition in RCW 42.17 of 'material fact,' but am of the opinion that any unclear or erroneous fact regarding Senator Sheldon's failure to support Mission Creek would not be material to his long-standing reputation for hostility toward social services in general.

...I can state with certainty that at the time I made the disputed statements, I believed them to be true, and had no reason to believe them to be other than true given Senator Sheldon's record on social services legislation."

- 4.12 Ms. Rickert provided PDC staff with a copy of an email from Dave Wood, dated November 6, 2002. In the email Mr. Wood stated to Ms. Rickert, "Your only error was reporting Mission Creek as a disabilities rather than a youth rehabilitation center." **(Exhibit #9)**
- 4.13 On March 10, 2003, PDC staff conducted a telephone interview with Marilou Rickert. Ms. Rickert stated that she was referring to Mission Creek Youth Camp in her political advertisement statement that Senator Sheldon voted to close a facility for the developmentally challenged in his district. Ms. Rickert told staff that Dave Wood, a lobbyist for Action for RHCs contacted her in June 2002 to express support for her campaign. Mr. Wood took her to lunch and told her Senator Sheldon was responsible for the closure of Mission Creek because he had voted against MCYC's operating budget. Ms. Rickert further stated that she believed that Senator Sheldon "killed" MCYC because he was unwilling to compromise on the operating budget.

Ms. Rickert told PDC staff that at the time she sent the mailing, she thought MCYC was a rehabilitation center for children with learning disabilities, but now understands that it is a facility for juvenile offenders. Ms. Rickert told staff that she did not take very good notes during the meeting with Mr. Wood and can no longer find those notes. She stated she did not make any attempt to verify the accuracy of her statement and relied solely on her discussion with Mr. Wood as the source of the information used in Senator Sheldon's complaint. Ms. Rickert stated to PDC staff that looking back, her statement is "obviously inaccurate, but substantially correct. I would not say Tim Sheldon voted against Mission Creek; I would say he doomed it by failing to negotiate on the budget"

4.14 Ms. Rickert stated in her written response to the complaint that:

“On the weekend following the election, I received the enclosed letter from Senator Sheldon. The letter was followed by several phone calls from Senator Sheldon to my home over the long Veterans Day weekend. On Veterans Day, Senator Sheldon voluntarily left a message on my voice mail to the effect that he wanted me to write a letter to the press clarifying the matter.”

Senator Sheldon’s letter to Ms. Rickert dated November 13, 2002, states, “You can stop this complaint [to the PDC] by agreeing to send a letter to the editors of all the daily and weekly newspapers in the 35th District explaining your error in misrepresenting my vote. I will have to agree to the content of the letter.” **(Exhibit #10)**

Ms. Rickert stated to PDC staff that, prior to receiving Senator Sheldon’s November 13, 2002 letter, she had already submitted a letter of explanation to the Shelton-Mason County Journal, The Bremerton Sun, The Olympian and the Aberdeen Daily World. **(Exhibit #11)** According to Ms. Rickert, her letter was published in its entirety by the Journal on November 21, in shortened form by the Bremerton Sun on December 2, and in the Olympian on December 9, 2002. Ms. Rickert submitted copies of the published letters to the PDC.

4.15 Ms. Rickert’s letter to the newspapers stated that she wished to clarify her statement that Senator Sheldon “voted to close a facility for the developmentally challenged in his district and is advocating for the site to be turned into a prison.” Ms. Rickert’s clarification letter stated in part:

“1. What Senator Sheldon actually did was forgo an opportunity to restore funding to Mission Creek Youth Camp in order to vote against the Democrat’s 2002 operating budget. The budget, SSB 6387, was passed on March 9, 2002, with the assistance of two Republican Senators, Alex Deccio and Shirley Winsley, who negotiated the restoration of funding for programs in their districts through cooperation with the budget process.

2. Although Mission Creek Youth Camp provided services for children with learning disabilities, it was a youth rehabilitation center, not a facility for the developmentally challenged.

Since the closure of Mission Creek, Senator Sheldon has advocated for the site to be used as a minimum security adult prison in the belief that

such a course of action would improve the North Mason County economy.”

- 4.16 On March 7, 2002, PDC staff conducted a telephone interview with Ken Brown, Fiscal and Contracts Manager with the Juvenile Rehabilitation Administration, a division of the Department of Social and Health Services. Mr. Brown stated to PDC staff that MCYC has been a medium security Youth Camp for juveniles convicted of felony-level offenses since the 1960's. MCYC was the smallest youth camp in the state with only 60 beds resulting in its being targeted for closure as part of the Governor's budget reductions.

Mr. Brown stated that some of the offenders incarcerated at MCYC may have had reoccurring disorders such as developmentally disabled, but treatment of those disorders was not the purpose of the facility. Inmates are employed on work details for the state Department of Natural Resources participating in fire suppression and upkeep of the Tahuya forest. Mr. Brown told PDC staff that upon closure, the plan was to “mothball” MCYC or turn it over to the Washington State Department of Corrections or other state agency. He stated that “a couple” of other agencies were seeking MCYC.

Respectfully Submitted this 29th day of April 2003

/s/

Sally Parker
Political Finance Specialist

List of Exhibits

- | | |
|-------------------|---|
| Exhibit #1 | Political advertisement mailed to registered voters by Marilou Rickert. |
| Exhibit #2 | Senator Tim Sheldon's complaint against Marilou Rickert dated December 2, 2002. |
| Exhibit #3 | January 9, 2002 letter from David Griffith, DSHS, JRA, to Judith Jones, Senator Sheldon's Office. |

- Exhibit #4** The 2001-03 Revised Omnibus Operating Budget (2002 Supp), DSHS, Juvenile Rehabilitation, dated March 4, 2002
- Exhibit #5** A Final Bill Report, ESSB 6387
- Exhibit #6** The Atlas Online: Roll Calls on a Bill, reporting the votes on ESSB 6387
- Exhibit #7** May 24, 2002 Bremerton Sun Newspaper article.
- Exhibit #8** Letter dated December 23, 2002, from Marilou Rickert in response to the complaint.
- Exhibit #9** November 6, 2002 email from Dave Wood to Marilou Rickert.
- Exhibit #10** Senator Sheldon's letter to Marilou Rickert, dated November 13, 2002
- Exhibit #11** Ms. Rickert's letter of explanation to the Shelton-Mason County Journal, The Bremerton Sun, The Olympian and the Aberdeen Daily World, dated November 13, 2002.

THERE IS A DIFFERENCE!

MARILOU RICKERT
Green Party

TIM SHELDON
"Democrat"

Supports Labor

Voted to limit collective bargaining rights for public employees, delay ergonomics legislation, and ban teacher strikes

Supports strong environmental protections

Voted against strong shorelines regulations; introduced legislation to limit the Growth Management Act

Supports access to health care coverage for all Washington residents

Wants to terminate people from Washington's Basic Health Plan

Supports public education

Supported revenue measures that have forced public schools to increase class size and freeze salaries for classified public school personnel

Supports social services for the most vulnerable of the state's citizens

Supported revenue measures that have forced reductions in services to the mentally ill, developmentally challenged, and their families; voted to close a facility for the developmentally challenged in his district and is advocating for the site to be turned into a prison

Supports free and fair elections and campaign financing accountability

Voted against Instant Run-off Voting and contributed "surplus" campaign contributions to Republican committees

Runs on "clean money"—does not accept campaign contributions from corporations and special interest "political action committees"

More than 85% of campaign contributions are from corporations, big business, and their "political action committees"

Mission Creek closes its doors

By Matthew Anderson
For The Sun

5/24

A long chapter in the state's juvenile offender treatment history ends today.

When Mike, an 18-year-old drug offender from Everett, walked out of the doors at Mission Creek Youth Camp near Belfair on Thursday morning, he was one of the few remaining at the facility who wasn't sad to be leaving.

He is going back to his life "on the outs," to live with his father and save up enough money to move out on his own.

"The teachers here are great," Mike said. "But here or anywhere, I don't want to be locked up."

Those teachers, along with the rest of the camp's 60 employees, wish they could remain at the youth facility. But they too have been given their walking papers.

The Legislature voted to close the 41-year-old facility when it passed the state budget in March.

After more than four decades as a treatment center for male juvenile offenders, Mission Creek Youth Camp will officially say goodbye to its last residents today.

Mike acknowledged that the closure has been hard on the staff.

"Everyone's trying to keep their heads up," he said. "A lot of them are sad."

"It's heart-breaking," said Marilyn Thompson, senior counselor at the camp. "I'm not ready to quit working with kids yet. The 30 years that I spent with kids here, nobody can take that away from me."

"But I hate to think that there won't be a place like this for the kids."

The youth at the camp participated in fire suppression work with the Department of Natural Resources, and provided steady work crews for upkeep of the vast Tahuya forest.

Those services will be sorely missed, Thompson said.

The DNR will be using work crews from the Washington Corrections Center for Women, said Karen Brunson, the camp's superintendent. However, none of the prospective occupants of the camp has expressed interest in opening negotiations with the Department of Social and Health Services for use of the property.

Much smaller than four of the five other facilities that the Juvenile Rehabilitation Administration runs under DSHS, Mission Creek was able to provide a unique service to kids, said Phoebe Hutsell, a camp accountant.

"There is a level of expectation that the staff holds the kids to," she said. "Talk nice, behave, be polite. I don't think any

other institution even touches on that. They're just trying to keep kids from beating each other up."

The 60-plus residents have been transferred to community facilities or moved directly to parole, said David Griffith, the program administrator for the Division of Institution Programs under JRA.

State Sen. Tim Sheldon of Potlatch was the only Democrat to vote against the budget proposal, in part because of the proposed Mission Creek closure, he said.

"I think it's going to have a long-lasting detrimental effect on the employment base in Belfair," said Sheldon, who also heads the Mason County Economic Development Council. "It is obviously one of the largest employers in Mason County."

The youth camp is the 31st-largest employer in the county, but is one of the few employers in North Mason with more than 50 employees.

Many of Mission Creek's 57 employees will be forced to retire or relocate, Brunson said.

Most of the employees will leave May 31, and the rest will pack up June 20, Brunson said.

The state of Washington has a formal Reduction in Force process that will help many employees find new jobs with the state, Brunson said, but the limited number of positions with the Department of Social and Health Services in Mason County will require many to face long commutes or sell their homes and move elsewhere.

CONT →
MISSION
CREEK

EXHIBIT #7
1 of 2

CONT - MISSION CREEK

"It's very hard on the staff," Brunson said.

"Some of these employees have

25 to 30 years of experience here. The

work they've done here has been the
work they've done for their entire
careers."

Published in The Sun: 05/24/2002

Formal Complaint to the Washington State Public Disclosure Commission
Relating to an Elected Official or Candidate for Public Office

RECEIVED

DEC 02 2002

Public Disclosure Commission

Name of Official or Candidate: MARILOU RICKERT

Address of Official or Candidate: P.O. Box 1062

Official's or Candidate's SHELTON WA 98584
City State Zip Code

Official's or Candidate's Telephone: 360 432 0272
(Include Area Code)

Official's or Candidate's E-Mail Address: _____
(If known)

Your signature: Tim Sheldon

Your printed name: TIM SHELTON

Street address: PO Box G

City, state and zip code: HOODSPORT, WA 98548

Telephone number: 360 877 5768 360 490 0351 MOBILE

E-Mail Address: (Optional) _____

Date Signed: 11/25/02

Place Signed (City and County): POTLATCH MASON
City County

Complaint: (Attach Complaint and Certification)

SEE LETTER OF NOV 18, 2002 AND
SUPPORTING DOCUMENTS

EXHIBIT #2
1 of 3

RECEIVED

DEC 02 2002

**Certification for a
Complaint to the Washington State Public Disclosure Commission Relating to an
Elected Official or Candidate for Public Office
(Notary Not Required)**

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the facts set forth in this attached complaint are true and correct.

Your signature: Tim Sheldon

Your printed name: TIM SHELTON

Street address: PO Box 6

City, state and zip code: HOODSPORT, WA 98548

Telephone number: 360-877-5768, 360 490 0351 MOBILE

E-Mail Address: (Optional) _____

Date Signed: 11/25/02

Place Signed (City and County): POTLATCH MASON
City County

*RCW 9A.72.040 provides that: "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

COMPLAINT ATTACHED

RECEIVED

NOV 19 2002

November 18, 2002

Public Disclosure Commission

Ms. Vicki Rippie
Executive Director
Public Disclosure Commission
P.O. Box 40908
Olympia, WA 98504-0908

Dear Ms. Rippie,

I am formerly filing a complaint with the Public Disclosure Commission against my opponent, Marilou Rickert, regarding the 2002 35th District Senate election.

Ms. Rickert wrote, paid for and distributed the enclosed last-minute mailer. This mail piece contains a false statement of material fact designed to mislead the voters.

The statement "... voted to close a facility for the developmentally challenged in his district ..." is false. Closure of Mission Creek Youth Camp, a prison facility for juvenile offenders in Belfair, was mandated in SB 6387, passed by the legislature in 2002. SB 6387 was considered twice by the Senate, I voted No on both occasions. The enclosed memo from the Senate Ways and Means Committee and the Journal of the Senate clearly indicate my No votes on SB 6387 and ESSB 6387.

Ms. Rickert and her campaign used this misrepresentation of material fact in an organized attempt to mislead the voters into believing that I voted to close Mission Creek when in fact I voted against its closure.

Sincerely

Tim Sheldon

Tim Sheldon
Senator

enc.: last minute flyer
Ways and Means memo
letter to the Sun

cc: Marilou Rickert

EXHIBIT #2
3 of 3



STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

JUVENILE REHABILITATION ADMINISTRATION

14th & Jefferson • PO Box 45720 • Olympia, Washington 98504-5720
Telephone (360) 902-0499 • FAX (360) 902-8108 • TTY (360) 902-7862

January 9, 2002

Senator Sheldon's Office
408 Legislative Building
PO Box 40435
Olympia, WA 98504

Attn: Judith

You received a document from staff at Mission Creek Youth Camp—*see att* describing the impact the closure of the camp would have on the local community. Unfortunately, that is not an official document from our agency and does not describe the reason why the closure makes sense in the context of the state budget proposed by Governor Locke and the institution programs of the Juvenile Rehabilitation Administration (JRA). Even though proposing the closure of Mission Creek Youth Camp (MCYC) was a hard choice for us, it was weighed against other critical services in the mission of JRA.

Ensuring the JRA bed capacity is in line with other policy decisions reducing the JRA population. The number of juveniles receiving sentences to JRA is going down. We have more beds than youths. The closure of MCYC was chosen to match the demand and still maintain the services needed for these youths.

Larger institutions have greater operating efficiencies. The small size of MCYC creates a higher administrative overhead per bed. In these times of significant economic down turn closing an institution makes sense from a business perspective.

Enables JRA to reduce costs and contribute to needed state budget reductions. All state agencies need to contribute to the reduction of expenditures needed in the current economy. Closing MCYC helps JRA meet the goals of the Governor's budget.

Page Two

Promotes the use of community facility placements. The JRA is placing a greater emphasis on moving appropriate youth into transitional facilities in the community. While under supervision they will be able to work and go to school in settings that are most like what they will return to at the end of their sentence. Many MCYC youth will be able to participate in these programs.

Community facilities are able to access federal funding through Title XIX for residents. In addition to better transition, these youth would qualify for federal funding making state resources available for other programs.

If MCYC is closed youth will be paroled or transferred to a comparable facility, or a community facility. If the doors of Mission Creek Youth Camp are closed most youth will finish their sentence prior to the final days. Many more youth will transfer to community facilities, and the remaining will probably move to Naselle Youth Camp which provides programs similar to MCYC.

Most MCYC staff will find comparable jobs within JRA. As in the past, when JRA needs to go through a reduction in force most staff transfer to other JRA programs. There are 56 permanent staff that could be displaced. JRA operates four other institutions, eleven parole offices, and seven community facilities. Many of these sites will need and welcome the talents of the MCYC staff.

In these harder economic times we need to make hard choices. Even though the JRA and the community near Mission Creek Youth Camp will feel a significant loss if the programs provided by the fine staff at the camp are discontinued or moved elsewhere, the closure of MCYC was adopted in the governor's budget.

I hope this will provide you with some answers.

Sincerely,


David Griffith
Program Administrator

2001-03 Revised Omnibus Operating Budget (2002 Supp)
Dept of Social and Health Services
Juvenile Rehabilitation
(Dollars in Thousands)

	FTE-FY2	Senate Ways & Means Chair GF-S	Total
2001-03 Original Appropriations	1,315.3	170,715	241,095
Total Maintenance Changes	-60.1	-4,452	-4,971
2002 Policy Changes:			
1. Comm Opt for Lower-Risk Offenders	-8.0	-295	-324
2. Restructure Parole Services	-26.7	-1,099	-1,438
3. Comm Trans Options for Youth	-20.7	-1,104	-1,104
4. DNA Database #	0.0	9	9
5. Reduce Employment Services	0.0	-250	-250
6. Diagnostic Services Rate Adjustment	0.0	-315	-315
7. Public Safety and Education Account	0.0	0	-172
→ 8. Closure of Mission Creek Youth Camp	-27.7	-1,452	-1,452
9. Enhanced Mental Health Funding	9.9	778	778
10. Violence Reduction and Drug Account	0.0	0	-748
11. Vendor Rate Change	0.0	-185	-319
Total Policy Changes	-73.2	-3,913	-5,335
2001-03 Revised Appropriations	1,182.0	162,350	230,789

Comments:

1. Comm Opt for Lower-Risk Offenders - The Juvenile Rehabilitation Administration (JRA) provides residential services to 263 youth whose offenses would not normally have resulted in a commitment to a JRA institution. JRA will develop less costly residential options in the community to meet the rehabilitation service needs for the lowest risk of these youth. Approximately 80 to 90 lowest risk youth will access alternative residential services, reducing the need for institutional beds. (General Fund-State, General Fund-Federal, General Fund-Private/Local)

2. Restructure Parole Services - Savings are achieved by modifying current parole services to youth after release from Juvenile Rehabilitation Administration (JRA) facilities. Specifically, JRA may take the following steps to improve the effectiveness and cost efficiency of parole services: (1) contract with counties for a greater proportion of parole services; (2) reduce administrative costs related to parole services; (3) reduce the portion of the parole caseload receiving intensive supervision to the statutory required level of 25 percent; (4) provide new research-based interventions to additional youth; (5) increase caseloads of parole counselors; and (6) reduce the number of lower-risk youth receiving parole services. (General Fund-State, General Fund-Federal)

3. Comm Trans Options for Youth - Youth committed to a state juvenile facility receive a standard range sentence, based upon the seriousness of the offense and prior criminal history. Currently, youth serve an average of 145 percent of their minimum sentence. Lower-risk youth will now be released at an average of 115 percent of their minimum sentence. Approximately 270 youth will serve 60 days less, and upon release, the youth will be transitioned to community aftercare monitoring.

4. DNA Database # - Funding is provided for the Juvenile Rehabilitation Administration's costs in implementing SB 6473 (offender DNA database), which expands DNA databanking to additional felony offenders and certain misdemeanants.

5. Reduce Employment Services - Funding for employment related training to youth in the Juvenile Rehabilitation Administration (JRA) is reduced. Specifically, a contract with the Employment Security Department's Corrections Clearinghouse program is eliminated. The K-12 system will continue to provide vocational and other job skills training.

6. Diagnostic Services Rate Adjustment - Diagnostic services are provided in 22 community-based centers through contracts with the juvenile courts and in four state offices. The Juvenile Rehabilitation Administration (JRA) will realign the contracted rate paid to counties for diagnostic services to more closely match the costs incurred by the state where JRA provides these same services.

2001-03 Revised Omnibus Operating Budget (2002 Supp)

Dept of Social and Health Services

Juvenile Rehabilitation

7. Public Safety and Education Account - Due to a revenue shortfall in the Public Safety and Education Account, a 2.8 percent across-the-board reduction is made to all agencies funded from the account. (Public Safety and Education Account-State)

8. Closure of Mission Creek Youth Camp - Mission Creek Youth Camp will be closed by July 2002 and the institution will be mothballed for future use. This closure will reduce Juvenile Rehabilitation Administration's (JRA) bed capacity by 60 beds. The closure will result in the relocation of these youth to other institutions. The juvenile offender basic training camp staging area will be relocated to an existing institution and will leave JRA with one remaining youth camp.

9. Enhanced Mental Health Funding - Funding is provided for increased mental health services in the Juvenile Rehabilitation Administration's (JRA) institutions and community facilities. JRA will combine this funding with the \$1.1 million provided in original 2001-03 biennial budget to: (1) increase inpatient and outpatient treatment capacity; (2) provide mental health protocol training to residential staff; and (3) increase mental health professional staff coverage during evening and night time hours.

10. Violence Reduction and Drug Account - Due to a revenue shortfall in the Violence Reduction and Drug Enforcement Account, a 2 percent across-the-board reduction is made to all agencies funded from the account. (Violence Reduction and Drug Enforcement Account)

11. Vendor Rate Change - Department of Social and Health Services contractors will receive a 1.5 percent vendor rate increase in July 2002, rather than a 2.3 percent increase as originally budgeted. (General Fund-State, General Fund-Federal, Public Safety and Education Account, Violence Reduction and Drug Enforcement Account)

FINAL BILL REPORT

ESSB 6387

PARTIAL VETO

C 371 L 02

Synopsis as Enacted

Brief Description: Making 2001-03 biennium supplemental operating appropriations.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senator Brown; by request of Governor Locke).

Senate Committee on Ways & Means

Background: The operating expenses of state government and its agencies and programs are funded on a biennial basis by an omnibus operations budget adopted by the Legislature in odd-numbered years. In even-numbered years, a supplemental budget is adopted, making various modifications to agency appropriations.

State operating expenses are paid from the state General Fund and from various dedicated funds and accounts.

Summary: Appropriations from various agencies are modified. For additional information, see "Supplemental Operating Budget Summary" and "Statewide Summary and Agency Detail" published by the Senate Ways & Means Committee.

Votes on Final Passage:

Senate	26	23	
House	50	47	(House amended)
Senate	26	22	(Senate concurred)

Effective: April 5, 2002

Partial Veto Summary: The Governor vetoed 34 sections or parts of sections of the supplemental biennial appropriations act. For additional details, see 2002 Legislative Budget Notes, published by the Senate Ways & Means Committee and the House of Representatives Appropriations Committee.

Voting Senators Brown, Costa, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen,
nay: Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala,
Sheldon, B., Shin, Snyder, Spanel, Thibaudeau

2002 Regular Session

Chamber: SENATE
Bill No.: ESSB 6387 (T)(H)
Description: 844 HONEYFORD PG237
Item No.: 9
Transcript No.: 55
Date: 03-09-2002

Yeas: 28 Nays: 21 Absent: 00 Excused: 00

Voting Senators Benton, Carlson, Deccio, Eide, Finkbeiner, Gardner, Hale, Hewitt, Hochstatter,
yea: Honeyford, Horn, Johnson, Kastama, Long, McCaslin, McDonald, Morton, Oke, Parlette,
Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley, Zarelli

Voting Senators Brown, Costa, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Keiser, Kline,
nay: Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder,
Spanel, Thibaudeau

2002 Regular Session

Chamber: SENATE
Bill No.: ESSB 6387 (T)(H)
← Description: 3RD READING & FINAL PASSAGE
Item No.: 11
Transcript No.: 55
Date: 03-09-2002

Yeas: 26 Nays: 23 Absent: 00 Excused: 00

Voting Senators Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen,
yea: Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen,
Regala, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley

Voting Senators Benton, Carlson, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson,
nay: Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T.,
Stevens, Swecker, West, Zarelli

2002 Regular Session

Chamber: HOUSE
Bill No.: ESSB 6387 (T)(H)
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE
Item No.: 25
Transcript No.: 59

EXHIBIT 6
1 of 3

Date: 03-13-2002

Yeas: 50 Nays: 47 Absent: 00 Excused: 01

Voting Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit,
 yea: Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt,
 Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott,
 McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero,
 Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove,
 Voloria, Wood, and Mr. Speaker

Voting Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean,
 nay: Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox,
 Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin,
 McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach,
 Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven, Woods

Excused: Representative Skinner

2002 Regular Session

Chamber: SENATE

Bill No.: ESSB 6387 (T)(H)

 Description: CONCUR IN HOUSE AMENDMENTS

Item No.: 10

Transcript No.: 60

Date: 03-14-2002

Yeas: 26 Nays: 23 Absent: 00 Excused: 00

Voting Senators Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen,
 yea: Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen,
 Regala, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley

* Voting Senators Benton, Carlson, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson,
 nay: Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T.,
 Stevens, Swecker, West, Zarelli

2002 Regular Session

Chamber: SENATE

Bill No.: ESSB 6387 (T)(H)

Description: FINAL PASSAGE AS AMENDED BY THE HOUSE

Item No.: 11

Transcript No.: 60

Date: 03-14-2002

Yeas: 26 Nays: 22 Absent: 01 Excused: 00

Voting Senators Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen,
 yea: Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen,

EXHIBIT #62 of 3

Regala, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau, Winsley

➤ Voting nay: Senators Carlson, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Zarelli

Absent: Senator Benton

EXHIBIT #6

3 of 3

Marilou Rickert
P.O. Box 1062
Shelton, WA 98584
(360) 432-0272

RECEIVED
DEC 26 2002
Public Disclosure Commission

December 23, 2002

Philip E. Stutzman, Director of Compliance
Public Disclosure Commission
P.O. Box 40908
Olympia, WA 98504-0908

Dear Mr. Stutzman:

I am in receipt of the copy of the complaint filed by Senator Tim Sheldon, alleging a violation of RCW 42.17.530 and of your request for information to assist you with your investigation. While I have serious concerns about the constitutionality of RCW 472.17.530, I respect your responsibility for enforcing the law as written and am happy to comply with your request for further information.

With regard to the statement in question, I dispute Senator Sheldon's allegation that any error I may have made was "material." In addition, insofar as I may have erred, I erred without malice, ie. I neither knew any statement I made was false, nor did I recklessly disregard the truth or falsity of any statement I made.

The document of which Senator Sheldon complains was a wrapper for a mailing sent to most active voting households in the 35th Legislative District. The entire mailing is enclosed.

The mailing was sent out in batches, beginning October 16, 2002 and ending October 28, 2002. Copies of the mailing service invoices are enclosed. The mailing was sent in batches in order to allow us to (1) raise money to send the mailings and (2) prepare the mailings for posting. In order to conserve money and volunteer time, we deleted from our mailing lists the names of people we knew to be committed to either Senator Sheldon or myself.

Throughout the campaign, I only made statements about Senator Sheldon that had to do with his activities as state senator and senatorial candidate. I avoided any reference to Senator Sheldon's personal life, his family, or his activities as PUD commissioner, Director of the Mason County Economic Development Council, or part owner of Sheldon Properties.

All of the statements I made about Senator Sheldon were sourced, mostly from the print media. Other sources included PDC records, records of the Washington state legislature, and statements made by Senator Sheldon himself at candidates forums that we both attended.

The source of the disputed statement was Dave Wood, a lobbyist for Action for RHCs (Residential Habilitation Centers), an advocacy group for services for the profoundly and severely developmentally disabled. I met with Mr. Wood late in June of this year, and discussed Senator Sheldon's record with regard to services for the developmentally disabled briefly on several occasions thereafter. My adult daughter Eve Rickert, a member of my Campaign Management Team, also met independently with Mr. Wood later in the summer. Eve's letter to the *Bremerton Sun*, like many letters to the editor sent by my supporters, was written and submitted by her independently of the campaign or my influence, and is therefore not relevant to these proceedings.

The Friday before the election, I received a telephone call from Senator Sheldon at my work place. He said that he had just been made aware of the mailing and that it was false and misleading. After a somewhat heated discussion, Senator Sheldon agreed that the statements made about him were substantially factual, with the single exception of the statement that he "voted to close a facility for the developmentally challenged in his district." I agreed to review the information with my source and get back to him.

I contacted Dave Wood regarding Senator Sheldon's dispute, and received the enclosed e-mail message from him. As Dave Wood copied his email to Senator Sheldon, and as I had no doubt that Dave Wood would eventually touch base with Senator Sheldon personally, I did not make further contact with Senator Sheldon about the matter myself, although I did send him a card congratulating him on his re-election.

On the weekend following the election, I received the enclosed letter from Senator Sheldon. The letter was followed by several phone calls from Senator Sheldon to my home over the long Veterans Day weekend. On Veterans Day, Senator Sheldon voluntarily left a message on my voice mail to the effect that he wanted me to write a letter to the press clarifying the matter. I have retained the message and can produce it if it will assist you with your inquiries.

After considering what might be gained by sending such a letter as far as (1) clarifying any misunderstanding I may have caused and (2) improving communication between Senator Sheldon and advocates for the developmentally disabled, I sent the enclosed letter to the *Shelton-Mason County Journal*, *The Bremerton Sun*, *The Olympian*, and *The Daily World*. The letter was published in its entirety by the *Journal* on November 21 and in shortened form by the *Sun* on December 2 and the *Olympian* on December 9. As of today's date, the *World* has chosen not to publish the letter. Copies of all publications of the letter are enclosed.

December 23, 2002

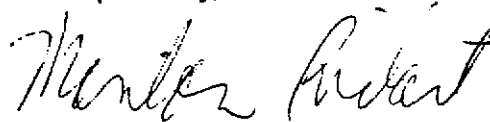
The weekend following the mailing of my letter to the press, I received the enclosed letter from Senator Sheldon re-iterating his request that I clarify my statement by a letter to the press. In addition, he attempted to impose additional requirements by insisting that I send the letter to "all the daily and weekly newspapers in the 35th District" and that he "would have to agree to the content of the letter." Although I did not receive Senator Sheldon's second letter until after I mailed my letter to the press, I would not have cooperated with an attempt by a government official acting in his official capacity (as evidenced by his use of senate staff during regular work hours to research this matter for him) to impose a prior restraint on political expression.

As Mr. Wood's e-mail makes clear, reasonable minds might disagree as to whether representing Senator Sheldon's dooming Mission Creek by his failure to negotiate on his party's operating budget constituted a vote "to close [the] facility." Clearly I was in error in describing Mission Creek as "a facility for the developmentally challenged." I am unable to find a definition in RCW 42.17 of "material fact," but am of the opinion that any unclear or erroneous fact regarding Senator Sheldon's failure to support Mission Creek would not be material to his long-standing reputation for hostility toward social services in general.

I can state with certainty that at the time I made the disputed statements, I believed them to be true, and had no reason to believe them to be other than true given Senator Sheldon's record on social services legislation.

Please let me know if you require additional information from me, or if I can further assist you in any way with your investigation.

Respectfully,



Marilou Rickert

CC: Senator Tim Sheldon
Dave Wood

----- Original Message -----

==> From: Dwood2130@aol.com

==> Date: Wed, 6 Nov 2002 17:14:12 EST

Dear Marilou---Tim Sheldon has to be the phoniest politician I have encountered during my long political experience. Your only error was reporting Mission Creek as a disabilities rather than a youth rehabilitation center. As I explained on the street corner yesterday morning, Tim's vote AGAINST his own party's budget sealed Mission Creek's fate. Claiming to have voted against the budget that eliminated Mission Creek, ergo he was against closure, is the kind of lie that politicians with little principle are so fond of. As his predecessor in the Legislature is so quick to point out, Tim is immoral. Two Republican senators, Alex Deccio and Shirley Winsley, saved or even expanded programs in their districts that they care deeply about. They voted YES on the budget. Tim could have done the same thing. This is a lesson on how some legislators get away with murder. I'd be honored to defend you before the PDC should it actually come to that. You ran a great campaign and you should not permit the likes of a Tim Sheldon to intimidate you. I stopped by Tim's EDC office yesterday morning to challenge him for his attack on you. He was not there, so I asked his two EDC colleagues, very decent persons, to ask him to phone me. He has not yet done so, but a copy of this message will suffice. Dave

EXHIBIT #9
1 of 1

Committee to Elect

TIM SHELDON

Senator, 35th District, D

P. O. Box G

Hoodsport, Washington 98548

877-5768 H

426-2276 G

490-0351 MOBILE

11/13/02

Mailbox,

This memo documents my two no votes on the 2001 budget bill that closed Mission Creek.

On Monday, Nov. 18th I will file a complaint with the PDC for misrepresentation of material facts.

You can stop this complaint by agreeing to send a letter to the editors of all the daily and weekly newspapers in the 35th District explaining your error in misrepresenting my vote. I will have to agree to the content of the letter.

I have attended several public meetings in Belfair regarding Mission Creek. I have always represented my position on the closure truthfully. The record needs to be set straight.

Sincerely,

Tim

enc.

Marilou Rickert
P.O. Box 1062
Shelton, WA 98584
(360) 432-0272

November 13, 2002

Shelton-Mason County Journal
227 West Cota Street
Shelton, WA 98584

The Sun
P.O. Box 259
Bremerton, WA 98337

The Olympian
P.O. Box 407
Olympia, WA 98584

The Daily World
Attn. City Editor
P.O. Box 269
Aberdeen, WA 98520

To the Editor:

Senator Tim Sheldon of the 35th Legislative District has contacted me by mail and phone several times since shortly before the recent election to express his distress over a statement in a fact sheet I mailed to voters comparing his priorities with mine. His specific concern is that the statement that he "voted to close a facility for the developmentally challenged in his district and is advocating for the site to be turned into a prison" misrepresents his attitude toward services for the developmentally disabled.

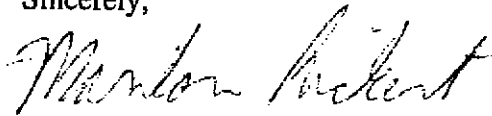
As I have no doubt that Senator Sheldon's distress is real, and applaud his desire for positive communication with advocates for the developmentally disabled, I have reviewed the statement with my source, Dave Wood, a lobbyist for Action for RHCs (Residential Habilitation Centers), an advocacy group for services for the profoundly and severely developmentally disabled, who has provided the following clarification:

1. What Senator Sheldon actually did was forgo an opportunity to restore funding to Mission Creek Youth Camp in order to vote against the Democrat's 2002 operating budget. The budget, SSB 6387, was passed on March 9, 2002, with the assistance of two Republican Senators, Alex Deccio and Shirley Winsley, who negotiated the restoration of funding for programs in their districts through cooperation with the budget process.
2. Although Mission Creek Youth Camp provided services for children with learning disabilities, it was a youth rehabilitation center, not a facility for the developmentally challenged.

Since the closure of Mission Creek, Senator Sheldon has advocated for the site to be used for a minimum security adult prison in the belief that such a course of action would improve the North Mason County economy. (Bremerton Sun, 7/11/2002)

I am pleased to learn that Senator Sheldon supports services for the developmentally disabled and hope that this clarification may remove any barriers to communication and cooperation between their advocates and Senator Sheldon that may have resulted from my statement circulated prior to the election.

Sincerely,



Marilou Rickert

CC: Senator Tim Sheldon
Dave Wood, Action for RHCs